TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 133.

THE GUTHRIE NATIONAL BANK, PLAINTIFF IN ERROR AND APPELLANT,

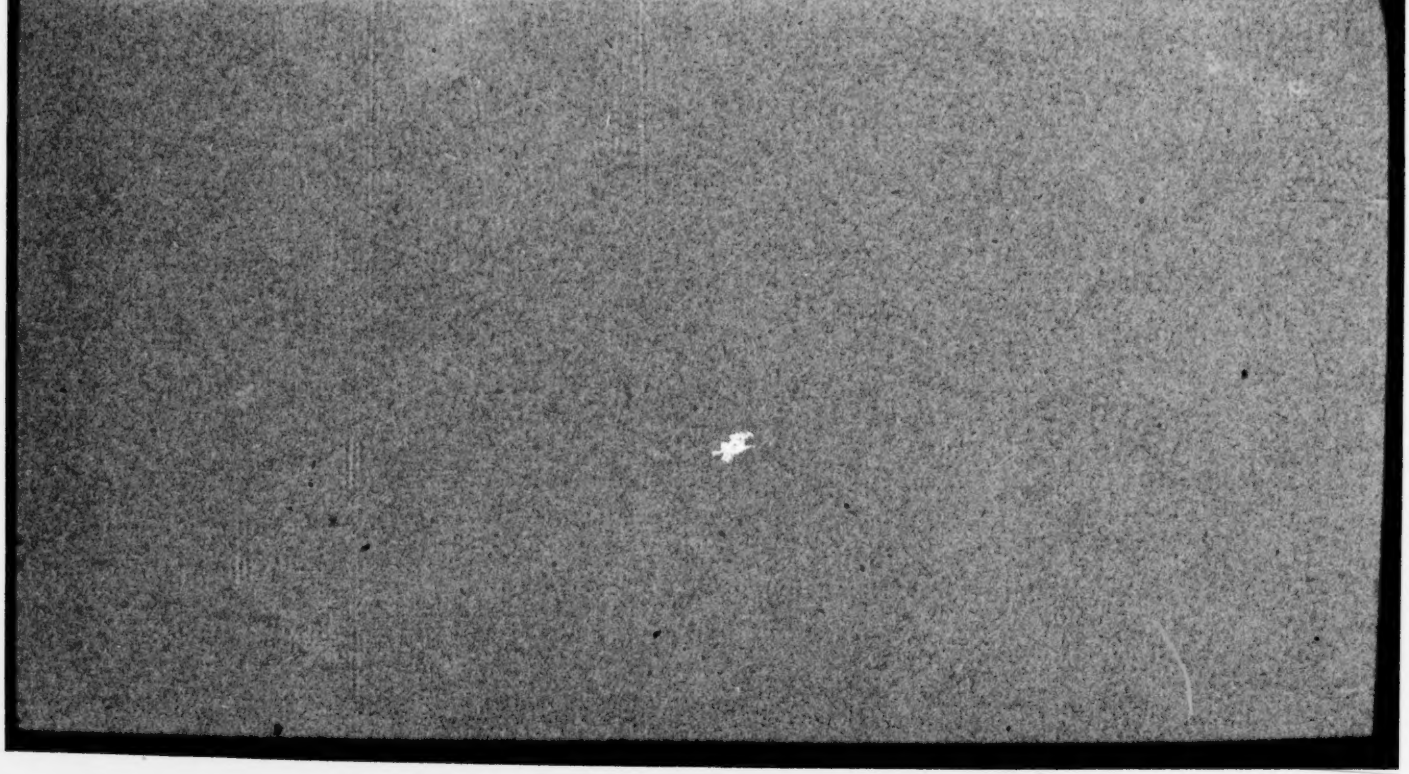
vs.

THE CITY OF GUTHRIE.

IN ERROR TO AND APPEAL FROM THE SUPREME COURT OF THE TERRITORY OF OKLAHOMA.

FILED JULY 10, 1897.

(16,625.)



(16,625.)

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1897.

No. 412.

THE GUTHRIE NATIONAL BANK, PLAINTIFF IN ERROR AND APPELLANT,

vs.

THE CITY OF GUTHRIE.

IN ERROR TO AND APPEAL FROM THE SUPREME COURT OF THE TERRITORY OF OKLAHOMA.

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a Be it remembered that the following original writ of error was deposited in the office of the undersigned, Edgar W. Jones, clerk of the supreme court of the Territory of Oklahoma, on the eleventh day of June, A. D. 1897, and in pursuance to the commands contained in the said writ of error I herewith return into the Supreme Court of the United States a full, true, and complete transcript of the record in the cause entitled, in said supreme court of the Territory of Oklahoma, The Guthrie National Bank, plaintiff, against The City of Guthrie, defendant, being the same identical case mentioned and described in the annexed writ of error, and the transcript herewith returned is as follows, to wit:

b UNITED STATES OF AMERICA, } ss:
Eighth Judicial Circuit, Territory of Oklahoma, }

The President of the United States to the honorable judges and clerk of the supreme court of the Territory of Oklahoma:

Because in the record of proceedings, as also in the rendition of the judgment of a plea which is in said court, upon a petition in error, before you, wherein The Guthrie National Bank is plaintiff in error and The City of Guthrie is defendant in error, which said judgment was rendered as a judgment of affirmance of the judgment of the district court of the county of Logan and Territory of Oklahoma, complained of in your court by such petition in error, a manifest error hath happened, to the great damage of the said The Guthrie National Bank, plaintiff in error, as by its complaint and its assignment of errors appears, we, being willing that error, if any hath been, shall be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you, that if judgment be therein given, that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, in the city of Washington, together with this writ, so that you have the same at the office of the clerk of said Supreme Court of the United States, at the city of Washington, on the 11th day of July, A. D. 1897, next, in the said Supreme Court of the United States to be then and there held, and that, the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause fur-
c ther to be done therein and to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 11th day of June, A. D. one thousand eight hundred and ninety-seven, in the one hundred — twenty-second year of the Independent of the United States of America.

Allowed in open court.

[Seal Supreme Court, Territory of Oklahoma.]

FRANK DALE,
Chief Justice of the Territory of Oklahoma.

Attest: EDGAR W. JONES,
Clerk of the Supreme Court
of the Territory of Oklahoma.

d [Endorsed :] In the supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Writ of error. Filed June 11, '97. Edgar W. Jones, clerk. S.

e Be it remembered that on the twenty-ninth day of March, A. D. 1897, there was filed in the office of the clerk of the supreme court of the Territory of Oklahoma a petition in error with a case-made thereto attached; which said petition in error and case-made thereto attached are in words and figures following, to wit:

1 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
vs.
THE CITY OF GUTHRIE, Defendant in Error. } Petition in Error.

Comes now The Guthrie National Bank, plaintiff in error, and for its cause of action in error alleges that heretofore and on, to wit, the 9th day of March, A. D. 1891, the district court of the county of Logan and Territory of Oklahoma appointed a commission, composed of John Foster, M. D. Losey, and A. J. Diehl, for the purpose of auditing and adjudicating certain claims existing against the provisional government of Guthrie, East Guthrie, Capitol Hill, West Guthrie, and the Consolidated Guthrie School District, being provisional corporations existing within the territory now embraced in the city of Guthrie, for municipal purposes prior to the second day of May, A. D. 1890, and after the opening of Oklahoma Territory to settlement, and that said commissioners duly entered on the discharge of their duties and audited the claims existing against said provisional governments and duly returned into court their report of such auditing, adjudication, and determination of such various claims against said provisional governments as a charge against the said city of Guthrie and the property therein contained, and which report of the said commissioners was duly docketed in said court, and this plaintiff acquired and became the owner of divers and sundry of such claims so audited and allowed by said board, amounting in the aggregate to four thousand three hundred and fifteen and $\frac{22}{100}$ dollars ($4,315.22), and the said cause remained pending in said court until the second day of April, A. D. 1896, at which time the court entered an order in said cause dismissing the said cause for the reason, to wit, that said act of the Legislative
2 Assembly of the Territory of Oklahoma under which all of said proceedings were had was null and void and unconstitutional, and dismissed all of said proceedings and refused to consider the claims held and owned by the said plaintiff so audited, adjudicated, and determined by the said commissioners; all of which proceedings fully appear by a case-made hereto attached, marked "Exhibit A," and hereby referred to and made a part of this petition in error. By said petition in error it is alleged that substantial error was committed by said court to the substantial prejudice of this plaintiff in error, to wit:

First. The court erred in refusing to consider the motion and application of this plaintiff in error to confirm said report and to make the entries of confirmation of said report as to the claims held by this plaintiff in error.

Second. The court erred in dismissing said cause from the dockets of said court.

Third. The court erred in holding the law, to wit, article 1, chapter 15, of the Revised Statutes of the Territory of Oklahoma for the year 1890 unconstitutional and void.

Wherefore the said plaintiff in error prays that the said judgment of the court be reversed and the said cause be remanded and the said proceedings be reinstated, with directions that the court proceed to hear and determine the rights of this plaintiff in error and to confirm the report and direct the issuance of the warrants and the levy of a tax for the payment and satisfaction of the said plaintiff's claims in conformity to the provisions of the statutes hereinbefore referred to.

ASP, SHARTEL & COTTINGHAM,
Att'ys for Plaintiff in Error.

3 "EXHIBIT A."

In the District Court of the County of Logan and Territory of Oklahoma.

GUTHRIE NATIONAL BANK, Plaintiff,
vs.
CITY OF GUTHRIE, Defendant. } Case-made.

Be it remembered that heretofore and on the ninth day of March, A. D. 1891, the district court, by the hand of the judge of said court, in the county of Logan and Territory of Oklahoma, made and entered a certain entry on the journal of said court in pursuance of the provisions of article 1 of chapter 15 of the Revised Statutes of the Territory of Oklahoma for the year 1890, appointing a commission, composed of John Foster, M. D. Losey, and A. J. Diehl, to perform the duties as defined and laid down in said statute, fixing the compensation of said commissioners at the rate of three dollars ($3.00) per day, and requiring the said commissioners each to appear before the clerk of the district court of Logan county and take and subscribe an oath to faithfully and impartially perform the duties as such commissioners, and requiring the said board to publish for ten days in some daily paper published in the village of Guthrie, in said county, a notice of the time and place where and the person with whom claims may be filed, and that at the expiration of said time the said commissioners meet and cause a list of all claims filed with them for action to be published against each subdivision of said village of Guthrie separately, and continue such publication for three days, and on the expiration of said second publication that the said board meet and proceed forthwith to pass upon all claims presented against the subdivisions of said village of Guthrie, and to

hear and determine all matters relating thereto; and other provisions were contained in said order concerning the method of procedure of the said commissioners, and, among others, the said com-
4 missioners were required to keep a record of their daily proceedings and to return the same, with a report of their proceedings, into court, and requiring all of their records to be certified into said court on the completion of their said labors, where the same shall remain on file as a part of the records of said court.

And afterwards and on the same day the said persons so appointed as such commissioners appeared before the clerk of said court and duly took and subscribed an oath to support the Constitution of the United States, the organic act, and the laws of said Territory of Oklahoma, and that they will faithfully, impartially, and to the best of their ability discharge the duties of said commission.

And thereupon and on the twelfth day of March, 1891, the said commissioners caused to be inserted in the "Guthrie Daily News," a newspaper published in said village, a notice directing all claimants to appear and present their claims against either or any of the said subdivisions of the said village of Guthrie against the said respective provisional governments of the said respective subdivisions of said village of Guthrie.

Thereafter and on the twenty-third day of March, 1891, the said commissioners caused the second notice to be published for three days, as provided by said order, listing all claims so presented to said commissioners.

And the said commissioners thereupon entered on the discharge of its duties in the hearing and determination of the said claims, as provided by the said order, and continued its proceedings from day to day, under various extensions of time granted to said commission by the judge of said district court, until on or about the first day of September, A. D. 1891, at which time it filed its final report in the district court of the county of Logan and Territory of Oklahoma, together with its record of its proceedings and the papers filed before said board.

That the said report so filed by the said commissioners is
5 too voluminous to copy in full in this record, and those parts only affecting claims held and owned or claimed to be held and owned by this plaintiff are given in full; but by said report it appears that the various allowances were made by said board, as shown by the certain copy of a motion to dismiss exhibited herein from pages 23 to 42, inclusive, of this record, with the exception that the list entitled "claims based on warrants issued by the provisional city of East Guthrie and disallowed by the Guthrie claims commission" is in error with respect to claims numbered 18, 19, 20, 21, 22, 23, 24, and 25, and claims numbered 32 and 33, which should be carried in the following list: "Claims based on warrants issued by the provisional city of East Guthrie and allowed by the Guthrie claims commission."

The report of said commission contains the following entries with reference to the various claims claimed to be owned by the said Guthrie National bank, to wit: The said report shows the allowance

of each and all of the said claims represented and scheduled in the petition and motion of the Guthrie National bank against the city of Guthrie, herein set out, and which said claims allowed and claimed to be owned by the Guthrie National bank are as follows, and that the city attorney of said city of Guthrie appeared at the hearing and allowance of said claims and defended for the said city:

Provisional Government, City of Guthrie.

No. of claims.	No. of warrants.		Amount allowed.
" 26	" 623	D. T. Flynn..	$25 00
" 35	" 542	J. W. McNeal..	68 75
" 36	" 597	" ..	20 00
" 37	" 962	" ..	30 00
" 38	" 904	" ..	16 00
" 39	" 515	" ..	5 20
" 40	" 400	" ..	39 50
" 41	" 526	" ..	17 50
" 42	" 475	" ..	5 25
" 43	" 448	" ..	18 50
" 44	" 586	" ..	31 75
" 45	" 554	" ..	13 00
" 46	" 547	" ..	4 00
" 47	" 546	" ..	82 49
" 48	" 553	" ..	18 00
" 49	" 549	" ..	18 00
" 50	" 585	" ..	75 00
" 51	" 570	" ..	4 00

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No. of claims.	No. of warrants.		Amounts allowed.
" 52	" 336	J. W. McNeal..	$10 00
" 53	" 517	" ..	5 00
" 54	" 450	" ..	35 50
" 55	" 614	" ..	252 38
" 91	" 1010	J. J. Graham...	29 50
" 92	" 1014	" ..	3 50
" 93	" 1015	" ..	25 00
" 94	" 1041	" ..	75 00
" 95	" 888	T. S. Jones.....	100 00
" 111	" 1034	D. T. Flynn ...	6 67
" 112	" 1030	" ...	25 00
" 113	" 1031	" ...	25 00
" 114	" 1032	" ...	25 00
" 115	" 1033	" ...	25 00
" 116	" 1067	" ...	64 00
" 161	" 960	" ...	40 00
" 164	" 1019	Harry P. Clark.	22 47
" 195	" 369	John E. Ford..	30 00
" 196	" 370	" ..	120 00
" 197	" 368	" ..	300 00

No. of claims.	No. of warrants.		Amounts allowed.
" 198	" 671	John E. Ford..	$100 00
" 199	" 712	" ..	100 00
" 200	" 763	" ..	100 00
" 201	" 809	" ..	100 00
" 202	" 830	" ..	100 00
" 203	" 926	" ..	100 00
" 204	" 937	" ..	100 00
" 205	" 971	" ..	100 00
" 206	" 1012	" ..	100 00
" 207	" 1051	" ..	100 00
" 211	" 851	Thos. S. Jones..	40 00

Second. Claims based upon warrants issued by the provisional city of East Guthrie, which were allowed by the Guthrie claims commission:

No. of claims.	No. of warrants.		Amount allowed.
" 18	" 210	P. K. Albert...	$12 25
" 19	" 234	" ...	17 72
" 20	" 282	" ...	19 75
" 21	" 172	" ...	50 00
" 22	" 197	" ...	50 00
" 23	" 262	" ...	50 00
" 24	" 293	" ...	50 00
" 25	" 303	" ...	8 30
" 32	" 106	J. W. McNeal..	7 50
" 33	" 216	" ..	49 50
" 59	" 305	D. T. Flynn ...	40 00
" 150	" 271	Russel Briggs..	2 50
" 151	" 180	Russel Briggs..	8 60
" 195	" 226	G. H. Lynds...	50 00
" 13	"	John Bingham.	38 00
" 10	" 600	John E. Ford...	600 00

Third. Claims allowed against Capitol Hill:

No. of claims.	No. of warrants.		Amount allowed.
" 2	" 5	D. T. Flynn...	$12 00

7 Fourth. Claims based upon warrants issued by the consolidated school district of Guthrie and allowed by the Guthrie claims commission:

No. of claims.	No. of warrants.		
" 11	" 29	J. W. McNeal.....	$9 10
" 12	" 46	"	35 00
" 13	" 65	"	35 00
" 14	" 85	"	35 00
" 24	" 53	Carrie I. Anderson....	21 02
" 25	" 72	"	35 00
" 26	" 84	"	35 00

No. of claims.	No. of warrants.		
" 29	" 45	Alma Carson.....	$15 40
" 30	" 67	"	35 00
" 31	" 77	"	35 00
" 48	" 82	D. T. Flynn.....	35 00

Total amount of claims allowed against the city of Guthrie and now owned by the Guthrie National bank is.....	$2,826 21
Total amount allowed against East Guthrie.....	1,054 02
Total amount against Capitol Hill.....	12 00
Total amount of consolidated school warrants.....	325 52
Amount allowed to Clark as city treasurer.....	97 47
	$4,315 22

That by said report it appears that the total amount of claims allowed by said commissioners based on warrants issued by the provisional city of Guthrie was the sum of $8,452.01, and that the claims not based on warrants issued by the provisional city of Guthrie allowed by the said claims commission was $1,102.36, and that the total amount of claims presented and disallowed by the said claims commission was the sum of $8,337.80.

That the total amount of claims allowed by the said commission based on warrants issued by the provisional city of East Guthrie was and is the sum of $2,798.32, and the amount of claims allowed against the provisional city of East Guthrie not based on warrants, $1,284.25; claims disallowed against the provisional city of East Guthrie based on warrants issued by said provisional city, $2,055.12; claims disallowed against said city which were not based on warrants of said provisional city of East Guthrie, $9,691.72.

8 That the total amount of claims allowed on account of the indebtedness of the provisional city of Capitol Hill by said commission is and was the sum of $691.20, and the amount of disallowance on account of alleged indebtedness of said provisional city of Capitol Hill is $1,875.

That the total amount of allowances on account of the provisional consolidated school district of Guthrie was the amount of $3,573.70, and the disallowances of claims against said provisional school district was $236.15.

That subsequent to the time of the appointment of said claims commission the said village of Guthrie became a municipal corporation, and at all times since has remained such municipal corporation, under the style and name of the city of Guthrie, and that the said city of Guthrie is the successor of the village of Guthrie named in said act of the Legislative Assembly of said Territory.

And on the incoming of said report the said case was docketed as a pending case in said court, and was continued from time to time and remained undisposed of, and on the seventh day of April, 1893, the attorney for the said city filed his exceptions in said cause in words and figures as follows, to wit:

In the District Court of Logan County, Territory of Oklahoma.

In the matter of claims against the city of Guthrie contracted by the provisional governments of the cities of Guthrie, East Guthrie, Capitol Hill, and West Guthrie, referred to John Foster, M. D. Losey, and A. J. Deal, referees, in cases of claims of—

J. W. McNEAL *et al.*, Including All Claimants,
vs.
CITY OF GUTHRIE.
} Exceptions to Report of Referees.

Now comes The City of Guthrie, by J. L. Pancoast, city attorney, and excepts to the report made and filed herein by said ref-
9 erees and to each and every finding, rule, order, and decision made, and to each and every part thereof, for the following reasons, to wit:

I. For that when John Foster, M. D. Losey, and A. J. Deal, referees, were appointed and the matters herein were referred to them as such by order of the district judge of March 10, 1891, there was no action or suit pending in any court, no issues joined in any action pending in any court, and nothing to refer to referees or commissioners.

II. For that article 1 of chapter 14 of the Statutes of Oklahoma, an act under and in pursuance of which said referees were appointed, is unconstitutional, is in violation of the acts of Congress, and void, in this:

A. That it divests rights and takes property without due process of law.

B. Is a special statute regulating practice in courts of justice.

c. Delegates judicial powers in the district judge.

d. Deprives the city of Guthrie of the right of trial by jury.

e. Is in violation of section 4, chapter 848, U. S. Statutes at Large.

f. Imposes greater obligations than the original obligation assumed.

g. Creates a new party to the contract where none before existed, and making that party liable for contracts never made by such party.

III. For that said article 1 of chapter 14 legalizes contracts made by the so-called provisional governments of the cities of Guthrie, East Guthrie, Capitol Hill, and West Guthrie, and imposes the burden of payment thereof upon the city of Guthrie, a municipal corporation organized by virtue of the acts of Congress and the laws of Oklahoma, without the consent of the said city of Guthrie, some of which contracts were fraudulent in their inception and many others which are beyond the authority usually given to officers of *de jure* municipal corporations to contract.

10 IV. For that the city of Guthrie had no opportunity to appear and make objections to the appointment of referees or to have any voice in fixing their compensation.

V. For that the district judge in making said order of March 10, 1891, appointing said referees exercised legislative power.

VI. For that the report of said referees does not comply with the orders of the district judge, in this:

a. That it does not show that a true and correct record of all its proceedings and acts was kept regarding each and every claim submitted for allowance and approval.

b. That it does not contain a record of the evidence taken before said referees.

c. It does not show the nature of the respective claims allowed, so that it can be determined from said report whether the claims so allowed by them *is* such as *is* contemplated by article 1 of chapter 14 of the Statutes of Oklahoma.

d. That the certificate attached to said report is indefinite and uncertain and does not certify that the record and papers submitted contain a full report of the evidence and the acts of said referees.

e. That there is no finding in said report by said referees showing what, if any, claims were allowed or disallowed by such referees or the amount thereof.

VII. For that said report is not made and signed by all of said referees appointed to which said matter was referred, but, on the contrary, is only made and signed by two of the said referees.

VIII. That the report made by said referees is simply a deposit of the books kept by said referees concerning certain portions of the matters transacted by them in the adjudication of claims, together with a mass of papers which are disconnected, and is not in form such a report as is contemplated to be made by referees, and is not such a report as is required by law.

11 IX. For misconduct of said referees in failing and refusing to comply with the orders of the district judge made September 22, 1892, and contained in Journal 4, page 247, which required said referees to make a full and complete report of their doings in the premises, and that before submitting said report that they allow the city attorney of the city of Guthrie to examine the same and take such exceptions, file such motions, and take such other steps as might be proper in the premises.

X. For that said report shows that certain claims were allowed that were not contemplated by article 1 of chapter 14, and among which of said claims are the following:

Claim No.	4,	warrant No.	806.....	$100 00
				Page 130.
"	39,	"	515.....	5 20
"	47,	"	546.....	82 49
"	55,	"	614.....	252 38
"	70,	"	680.....	148 56
				Page 131.
"	118,	"	883.....	100 00
"	123,	"	595.....	12 75

Claim No. 124,	warrant No.	675	$300 00
" 126,	"	179	150 00
" 142,	"	606	75 00
" 143,	"	504	68 00
" 144,	"	744	55 00

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" 157,	"	985	171 90
" 173,	"	983	200 00

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" 195,	"	369	30 00
" 196,	"	370	120 00
" 197,	"	368	300 00
" 198,	"	671	100 00
" 199,	"	712	100 00
" 200,	"	763	100 00
" 201,	"	809	100 00
" 202,	"	830	100 00
" 203,	"	926	100 00
" 204,	"	937	100 00
" 205,	"	971	100 00
" 206,	"	1012	100 00
" 207,	"	105	100 00

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" 236,	"	618	25 00
" 237,	"	808	25 00
" 238,	"	717	25 00
" 239,	"	543	10 00
" 251,	"	678	50 00

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Also claims allowed in cases to which no warrant was ever issued as follows:

12 Claim No.	2	$38 00
"	5	389 75
Claim No.	6	23 00
"	8	26 25
"	9	15 17
"	12	25 00
"	14	23 00
"	16	16 20
"	17	14 60
"	18	14 95
"	24	11 00
"	26	16 00
"	27	65 00
"	29	55 00
"	30	15 00

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All of which above claims were allowed as having been issued by the provisional government of the city of Guthrie.

Also claims allowed as having been issued and contracted by the city of East Guthrie, as follows:

Claim No.	10		$50 00
"	48, warrant No.	272	5 00
"	24, "		10 00
"	236, "	236	24 00
"	80,	237	30 25
"	82,	199	26 25
"	102, "	172	57 50
"	103, "	127	28 00
"	104, "	171	27 50
"	123, "	179	48 80
"	129, "	240	24 00
"	130, "	239	29 00
"	131, "	201	25 00
"	134, "	180	240 00

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"	193, "	221	40 00
"	221, "	202	3 75
"	222, "	207	18 00
"	223, "	235	30 75
"	224, "	238	18 00

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Also claims for which no warrants were ever issued and allowed against the provisional government of the city of East Guthrie, as follows:

Claim No.	3		$7 50
"	4		13 75
"	6		24 00
"	10		600 00
"	12		63 00
"	14		40 00
"	15		40 00
Claim No.	16		40 00
13 "	17		40 00
"	18		40 00
Claim No.	19		40 00
"	20		15 50
"	21		40 00

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Also claims allowed against the provisional government of the city of West Guthrie, as follows:

Claim No.	1, warrant No.	59	$71 00
" "	"	29	200 00

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Also claims allowed as issued by the provisional government of the city of Capitol Hill, as follows:

Claim No. 1,	warrant No. 43		$20 00
" 2,	" 39		14 00
" 3,	" 40		14 00
" 4,	" 41		14 00
" 5,	" 42		14 00
" 6,	" 33		3 20
" 3, to which no warrant was issued			$600 00

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Also claims allowed as issued and contracted by the consolidated school district of Guthrie, as follows:

All claims from No. 1 to 49, inclusive, amounting to			$3,573 70
And particularly claim No. 32,	warrant 32611		952 69
" 33,	" 32025		1,262 60
" 34,	" 32613		64 02

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XI. For that a very large portion of the number of claims presented to said commission or referees were allowed by said referees without hearing any evidence bearing upon the validity of such claims, and without requiring the claimants to produce any evidence showing that such claims were valid under the provisions of chapter 14 and such as were contemplated by said chapter. The particular claims so allowed cannot be set out specifically herein, on account of there being no record showing specifically which of the claims presented were so allowed.

XII. For that the City of Guthrie is entitled to a trial by jury upon each and every claim and demand contained in the report of said commission and presented to said commission; that the
14 right of such trial by jury has never been granted to the City of Guthrie, and no provision therefor is contained or contemplated in chapter 14 of the laws of Oklahoma, and the City of Guthrie now here claims the right of and demands a trial in a court of competent jurisdiction by jury upon each and every question of fact presented and involved in each and every claim allowed by said commission or referees.

The City of Guthrie therefore prays that the report of said commissioners and each and every part thereof, as to any claim allowed, be disapproved and set aside.

(Signed) J. L. PANCOAST,
City Attorney.

Endorsed on back as follows: "#2146. In the matter of the Guthrie claims commission in cases of claims of J. W. McNeal *et al.* *vs.* City of Guthrie. Exceptions to report of referees. Filed April 7th, 1893. Theo. G. Risley, clerk."

And on the seventeenth day of March, A. D. 1893, the Guthrie National Bank filed in said cause a motion in words and figures following, to wit:

15 That thereafter and on the seventeenth day of March, 1893, a written petition and motion was filed by this plaintiff, Guthrie National Bank, in said proceedings in the district court on the report of the said claims commission; which said petition and motion is in the words and figures following, to wit:

"In the District Court of Logan County, Okla. Ter.

In the matter of the referees' report relating to certain claims allowed by them against the City of Guthrie.

GUTHRIE NATIONAL BANK
vs.
THE CITY OF GUTHRIE. } Petition and Motion.

Comes Guthrie National Bank and moves the court to make an order approving the following claims, which were allowed by the referees or commissioners appointed by the judge of said court, and that *nunc pro tunc* entry be made of such order and approval.

This motion is based upon the following facts: "That on the — day of ——, 1892, the claims herein mentioned were by the said commissioners allowed and a report thereof made by the said commissioners to the court herein, as will be seen by the report filed, with certificates of the commissioners attached.

That a full and complete copy of the record made by the commissioners, showing all the claims allowed and disallowed, with their certificate attached, was filed by them in the district court on the — day of ——, 1892, with the original record kept by the commissioners, in which they entered all claims allowed and disallowed; but for some unavoidable circumstance the copy filed with the certificate was lost, and for this reason the court has not entered of record an approval or disapproval of the claims hereinafter described in this motion.

That since the certificate made to the copy of said report referred to has been lost said commissioners, John Foster, chairman,

16 and A. J. Deal, commissioner, have made another certificate, and is entered of record under the claims allowed and disallowed, which are filed in said court as the original record. These claims heretofore referred to and are now owned by the Guthrie National Bank are, first:

Claims based upon warrants issued by the provisional city of Guthrie and allowed by the Guthrie claims commission, to wit:

No. of claims.	No. of warrants.		Amounts allowed.
" 26	" 623	D. T. Flynn....	$25 00
" 35	" 542	J. W. McNeal..	68 75
" 36	" 597	" ..	20 75
" 37	" 962	" ..	30 00
" 38	" 904	" ..	16 00
" 39	" 515	" ..	5 20
" 40	" 400	" ..	39 50
" 41	" 526	" ..	17 50
" 42	" 475	" ..	5 25
" 43	" 448	" ..	18 50
" 44	" 586	" ..	31 75
" 45	" 554	" ..	13 00
" 46	" 547	" ..	4 00
" 47	" 546	" ..	82 49
" 48	" 553	" ..	18 00
" 49	" 549	" ..	18 00
" 50	" 585	" ..	75 00
" 51	" 570	" ..	4 00
" 52	" 336	" ..	10 00
" 53	" 517	" ..	5 00
" 54	" 450	" ..	35 00
" 55	" 614	" ..	52 38
" 91	" 1012	J. J. Graham...	29 50
" 92	" 1014	" ..	3 50
" 93	" 1015	" ..	25 00
" 94	" 1041	T. S. Jones....	75 00
" 95	" 888	D. T. Flynn ...	100 00
" 111	" 1034	" ...	6 67
" 112	" 1030	" ...	25 00
" 113	" 1031	" ...	25 00
" 114	" 1032	" ...	25 00
" 115	" 1033	" ...	25 00
" 116	" 1067	" ...	64 00
" 161	" 960	D. T. Flynn ...	40 00
" 164	" 1019	Harry P. Clark.	22 47
" 195	" 369	John E. Ford..	30 00
" 196	" 370	" ..	120 00
" 197	" 368	" ..	300 00
" 198	" 671	" ..	100 00
" 199	" 712	" ..	100 00
" 200	" 763	" ..	100 00
" 201	" 809	" ..	100 00
" 202	" 830	" ..	100 00
" 203	" 926	" ..	100 00
" 204	" 937	" ..	100 00
" 205	" 971	" ..	100 00
" 206	" 1012	" ..	100 00
" 207	" 1051	" ..	100 00
" 211	" 851	T. S. Jones.....	40 00

17 Second. Claims based upon warrants issued by the provisional city of East Guthrie, which were allowed by the Guthrie claims commission:

No. of claims.	No. of warrants.		
" 18	" 210	P. K. Albert...	$12 25
" 19	" 234	" ...	17 72
" 20	" 282	" ...	19 75
" 21	" 172	" ...	50 00
" 22	" 197	" ...	50 00
" 23	" 262	" ...	50 00
" 24	" 293	" ...	50 00
" 25	" 303	" ...	8 30
" 32	" 106	J. W. McNeal..	7 50
" 33	" 216	" ..	49 50
" 59	" 305	D. T. Flynn ...	40 00
" 150	" 271	Russel Briggs..	2 50
" 151	" 180	" ..	8 00
" 195	" 226	G. H. Lynds...	50 00
" 13	"	John Bingham.	38 00
" 10	" 600	John E. Ford...	600 00

Third. Claims allowed against Capitol Hill:

No. of claims.	No. of warrants.		
" 2	" "	D. T. Flynn...	$12 00

Fourth. Claims based upon warrants issued by the consolidated school district of Guthrie and allowed by the Guthrie claims commission:

No. of claims.	No. of warrants.		
" 11	" 29	J. W. McNeal.....	$9 10
" 12	" 46	"	35 00
" 13	" 65	"	35 00
" 14	" 85	"	35 00
" 24	" 53	Carrie I. Anderson....	21 02
" 25	" 72	"	35 00
" 26	" 84	"	35 00
" 29	" 45	Alma Carson.....	15 40
" 30	" 67	"	35 00
" 31	" 77	"	35 00
" 48	" 82	D. T. Flynn.....	35 00

Total amount of claims allowed against the city of Guthrie and now owned by the Guthrie National bank is.....	2,826 21
Total amount allowed against East Guthrie.....	1,054 02
Total amount against Capitol Hill.....	12 00
Total amount of consolidated school warrants.....	325 52
Amount allowed to Clark as city treasurer.....	97 47
	$4,315 22

These claims have been purchased by Guthrie National Bank; that no part have been paid; therefore it is asked of the
18 court to approve the above and foregoing claims and make the entry as of the date asked for in this motion.

(Signed) DECKER & RAY,
Attorneys for Guthrie National Bank.

This is to certify that the Guthrie claims commission passed on and allowed the following claims in favor of Harry P. Clark for salary as city treasurer under the provisional government of the city of Guthrie:

No. of claims.	No. of warrants.		Amounts allowed.
" 164	"	Harry P. Clark.	$22 47
" 165		.	75 00
Total amount			$4,315 22

Said motion endorsed on the back as follows:
Motion in the matter of claims commission. Guthrie National Bank. Filed March 17, 1893. T. G. Risley, clerk dist. court. Decker & Ray, att'ys for bank."

And which said exceptions and which said motion were continued from time to time and remained undisposed of on the docket of said court until on the twenty-eighth day of March, A. D. 1896, the said City of Guthrie filed in said cause its motion in words and figures following, to wit:

19 In the District Court of Logan County, Oklahoma Territory.

In the matter of the claims against the city of Guthrie contracted by the provisional governments of the cities of East Guthrie, Guthrie, Capitol Hill, West Guthrie, and the Consolidated School District, referred to John Foster, M. D. Losey, and A. J. Deal, including the cases of—

J. W. McNeal *et al.*, Including All Claims Hereinafter Named,
vs.
The City of Guthrie.

Now comes The City of Guthrie, by its attorney, J. L. Pancoast, and moves the court here to dismiss the claims of the plaintiffs herein and all proceedings connected therewith for the reason that the law under which said proceedings were had is null and void.

This motion is made separately as to each and every claim set forth in the list hereto attached and combined in this one motion for convenience only.

(Signed) J. L. PANCOAST,
Att'y for the City of Guthrie.

20 *Claims Based upon Warrants Issued by the Provisional City of Guthrie and Allowed by the Guthrie Claims Commission.*

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
1	900	Dale & Thomas	200 00
2	932	R. S. Reeves	24 65
3	1022	"	11 00
4	806	"	100 00
5	877	"	5 00
6	804	"	23 50
7	905	"	16 00
8	872	"	5 00
16	797	H. C. Shilling	15 75
17	779	Geo. E. Mundy	57 50
18	929	"	20 00
26	623	D. T. Flynn	25 00
28	652	Frank R. Phister, cash	3 00
29	663	"	40 00
31	760	"	19 00
32	771	"	110 00
35	542	J. W. McNeal	68 75
36	507	"	20 75
37	962	"	30 00
38	904	"	16 00
40	400	"	39 50
41	526	"	17 50
39	515	"	5 20
42	475	"	5 25
43	448	"	18 50
44	586	"	31 75
45	554	"	13 00
46	547	"	4 00
47	546	"	82 49
48	553	"	18 00
49	549	"	18 00
50	585	"	75 00
51	570	"	4 00
52	336	"	10 00
53	517	"	5 00
54	450	"	35 00
55	614	"	252 38
56	603	"	75 00
57	698	"	38 95
58	587	"	3 25
59	704	"	38 25
60	982	"	7 03

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No of warrant.	Present holder.	Principal allowed.
61	305	E. D. Nix, rec'v	64 92
62	959	"	50 00
63	527	"	3 00
64	645	"	3 00
65	834	"	10 00
66	599	"	50 00
67	961	"	40 00
68	873	"	5 00
69	863	"	5 00
70	680	"	148 56
71	691	"	75 00
72	720	"	35 00
21			
73	552	E. D. Nix, rec'v	35 00
74	584	"	60 00
75	802	"	81 67
76	575	"	6 90
77	604	"	35 00
78	588	"	25 00
79	765	"	35 00
80	1042	E. P. Kelly	10 00
81	1045	"	10 00
82	1048	"	15 00
83	1046	"	10 00
84	1043	"	10 00
85	1070	"	8 65
86	964	"	9 50
87	1044	"	10 00
88	1047	"	10 00
89	842	"	10 00
90	894	"	16 15
91	1019	J. J. Graham	29 50
92	1014	"	3 00
93	1015	"	25 00
94	1041	"	75 00
96	666	E. R. Darlington	11 55
97	953	Henry Linn	40 65
101	853	A. M. McElhinney	7 50
102	860	A. H. Waite	10 00
103	859	"	10 00
104	867	"	5 00
105	869	"	5 00

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
106	868	A. H. Waite	5 00
107	864	"	5 00
108	777	"	2 00
109	1026	Harry McDanell	4 50
110	721	B. F. Harriman	6 00
111	1034	D. T. Flynn	6 67
112	1030	"	25 00
113	1031	"	25 00
114	1032	"	25 00
115	1033	"	25 00
116	1067	"	64 00
117	854	Geo. E. Gray	10 00
118	883	Robert W. Hill	100 00
119	1035	James Dooley	16 00
120	979	M. Collar	35 25
121	767	Roy V. Hoffman	30 00
122	817	H. S. Smith	87 00
123	595	F. B. Lillie	12 75
135	1061	L. Kreig	4 00
136	773	A. G. Herron	26 00
137	988	G. C. McCord	23 00
138	1004	Daily News Co	6 00
139	1029	"	8 00
141	911	Wm. Blincoe	16 00
142	606	J. C. Shelton	75 00
143	504	"	68 00
144	744	"	55 00
145	849	D. S. McKay,	10 00
146	630	Barr Bros	1 75
147	859	"	20 37
148	682	"	21 80
149	974	James McConnell	12 00
22			
150	951	James McConnell	4 50
151	826	John C. Tutt	12 75
154	762	"	4 05
155	707	"	11 20
156	631	James P. Millen	14 40
158	594	"	9 00
159	674	Geo. Cunningham	1 50
160	960	D. T. Flynn	17 50
161	1059	L. J. Hiatt	40 00

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No of warrant.	Present holder.	Principal allowed.
162	1068	Wm. Plagg	8 00
163	1010	Harry P. Clark	80
164	1071	"	22 47
165	1021	—— Schnell	75 00
166	1053	C. Van Meter	16 00
167	784	Jno. M. Hale	8 25
174	1036	"	75
175	1057	"	5 00
176	513	A. J. Spengel	8 95
177	848	"	2 50
178	1027	"	10 00
179	858	J. Smalley	6 00
180	737	J. N. Coulter	10 00
181	739	"	25 52
182	681	J. C. Sellars	18 25
183	839	E. P. Kelley	8 60
188	1024	Jas. Blokerler	2 10
189	386	John Stein	4 50
190	862	Geo. Kenden	1 00
191	870	"	5 00
192	928	"	5 00
193	369	John E. Ford	20 00
195	370	"	30 00
196	368	"	120 00
197	671	"	300 00
198	712	"	100 00
199	763	"	100 00
200	809	"	100 00
201	830	"	100 00
202	926	"	100 00
203	937	"	100 00
204	971	"	100 00
205	1012	"	100 00
206	1051	"	100 00
207	945	Harry A. Decker	100 00
208	990	Geo. W. Crane	6 00
209	851	Thos. S. Jones	25 00
211	316	S. L. Overstreet	40 00
215	686	John H. Piburn	15 65
216	816	Mrs. F. Stone	14 50
217	1065	J. P. Barton	17 79
218	661	F. M. Jay	15 00
219	850	C. W. Goodrich	2 00

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
220	1016	Wm. Ragland	5 00
221	647	W. J. Brodfoot	2 00
222	648	E. P. Kelley	3 00
227	770	"	3 00
228	921	"	3 80
229	801	G. F. Harriett	2 90
231	827	"	35 00
232	886	"	35 00
233	884	"	5 00
23			
234	884	G. F. Harriett	17 50
235	909	"	16 00
236	618	S. E. Caylor	25 00
237	808	"	25 00
238	717	"	25 00
239	543	F. E. Marion	10 00
240	463	E. D. Nix, rec'v	76 00
241	464	"	47 50
242	590	"	2 50
243	619	"	52 50
244	1013	Amos Stealey	100 00
246	350	E. P. Kelly	15 80
247	540	"	4 00
248	639	"	50
249	772	"	16 30
250	840	"	5 00
251	678	M. A. Baxter	50 00
252	831	Benjamin Strauss	10 50
253	890	"	5 00

Claims not Based upon Warrants Filed Against the Provisional City of Guthrie and Allowed by the Guthrie Claims Commission.

No. of claim.	Basis of claim.	Present holder.	Principal allowed.
1	Blank books	Wichita Eagle Co	$206 00
2		J. W. Perkins	38 00
5	Noble Ave. bridge	Allen Murry	389 70
7	50 feet hose	Mineralized Rubber Co	27 50

Claims not Based upon Warrants, &c.—Continued.

No. of claim.	Basis of claim.	Present holder.	Principal allowed.
8	3¼ days civ. eng.....	H. L. Jackson.....	$26 25
11	Labor & material.....	Jeptha Sturgeon.....	18 62
12	Legal services.....	N. B. Maxey.....	25 00
14	.....	W. W. Crooks.....	23 00
16	Lost warrant.....	J. N. Wallace.....	16 20
17	"	"	14 60
18	"	"	14 95
20	Hotel rental.....	J. M. Block (Brooks).....	4 00
22	Labor.....	Joseph Mooney.....	6 62
24	.....	F. A. Pauperin.....	11 00
26	Medel, services.....	Chas. Sweet, Ms.....	16 00
27	Lost warrant.....	Ed. S. Joyce.....	65 00
29	"	P. A. Jaring.....	55 00
30	"	W. H. Fallis.....	15 00
31	Wire nail-.....	C. H. Stowe.....	16 75
32	Police judge, salary..	S. M. Decker.....	75 00

24 *Claims not Based upon Warrants Filed Against the City of Guthrie and Disallowed by the Guthrie Claims Commission.*

No. of claim.	Basis of claim.	Present holder.	
1	Blank books.....	Wichita Eagle Co.....	66 00
2	Chu. b'd arb't.....	J. W. Perkins.....	202 00
3	Civil eng.....	J. V. Brieren.....	88 00
4	Forfeiture.....	John H. Onstate.....	1,100 00
5	Noble Ave. bridge....	Allen Murry.....	680 00
6	Member b'd arb't....	J. C. Jamison.....	207 00
10	Chr. b'd arb't.....	C. C. Snyder.....	230 00
12	Legal services.....	N. B. Maxey.....	75 00
13	Care & board of sick..	Martin B. Emery.....	84 00
14	Member b'd arb't....	W. M. Crooks.....	207 00
15	Cr. & b'd of sick.....	Martin B. Emery.....	64 00
19	Member b'd arb't No. 1	John T. Hill.....	130 00
21	Typewriting.....	Roy V. Hoffman.....	20 00
24	Member b'd arb't....	T. A. Pauperin.....	99 00
25	Damages.....	Abraham J. Greiner.....	5,000 00
28	Juryman.....	S. J. Seeds.....	6 00
32	Sal. as police judge...	S. M. Decker.....	50 00

Warrants Filed Against the City of Guthrie and Disallowed by the Guthrie Claims Commission.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
153	820	A. G. Crockett	$10 00
184	1005	T. A. McCaudless	48 80
245	1052	Amos Stealey	35 00

25 *Claims Based upon Warrants Issued by the Provisional City of East Guthrie and Disallowed by the Guthrie Claims Commission.*

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
3	228	Frank Greer	18 12
4	304	"	6 40
5	140	"	31 25
8	223	Frank Gebke	2 00
9	149	"	6 65
10	169	John A. Rodgers	50 00
18	210	P. K. Albert	12 25
19	234	"	17 72
20	282	"	19 75
21	172	"	50 00
22	197	"	50 00
23	262	"	50 00
24	293	"	50 00
25	303	"	8 30
27	290	A. F. Pentecost	6 00
32	106	J. W. McNeal	7 50
33	216	"	49 50
34	211	E. D. Nix, rec'v	50 00

Claims Based upon Warrants Issued by the Provisional City of Guthrie and Allowed by the Guthrie Claims Commission.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
48	272	Hila W. Smith	$5 00
49	294	C. W. Stowe	6 00
50	263	C. W. Smith	2 50
51	267	"	6 00
52	170	C. F. Eisenschmidt	60
53	175	"	33 33
54	196	"	33 33
55	199	"	2 00
56	284	"	10 00
58	225	A. H. Waite	12 00
59	305	D. T. Flynn	40 00
60	253	John Taylor	3 00
61	204	"	2 50
63	301	G. O. Coleman	7 00
64	222	J. H. Hamilton	38 00
65	223	"	10 50
70	244	Roy V. Hoffman	5 00
71	247	"	5 00
73	282	D. Woolf	7 00
74	283	J. E. McCon	9 00
75	212	Charles Filtsch	50 00
129	240	Thos. McPherson, V.-P.	24 00
131	201	"	25 00
26			
143	176	W. G. Miller	6 00
144	285	"	10 00
145	153	James H. Bullen	251 75
146	286	A. H. Meal	10 00
147	231	"	2 00
148	214	John Engler	2 00
149	259	Geo. D. Orput	3 00
150	271	Russel Briggs	2 50
151	180	"	8 00
157	184	A. J. Spengel	10 00
158	284	F. A. Stewart	2 50
159	182	Anna E. Humphrey	8 00
170	193	Frank R. Phister, cash	10 00
171	141	L. B. Shapland	7 93
172	246	"	5 00
173	248	"	5 00
174	249	"	5 00

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
175	255	"	$3 00
176	256	"	3 00
177	257	"	3 00
178	207	Leonard & Co	5 00
179	218	"	7 00
180	220	John E. Ford	40 00
181	205	M. B. Williams	2 50
182	297	A. C. Schnell	5 00
183	295	"	3 00
184	224	P. R. Salmon	3 00
185	250	"	3 00
186	261	"	3 67
190	183	F. M. Rhinehart	10 00
194	192	E. W. Wray	10 00
195	226	G. H. Lynds	50 00
197	163	A. C. Schnell	2 50
198	146	"	10 50
200	166	H. C. Speer	16 50
201	167	"	269 50
202	236	"	14 50
203	242	"	18 00
204	206	"	60 00
206	181	L. H. Blackburn	8 00
221	202	J. A. Cooper	3 75
222	207	"	18 00
223	235	"	30 75
224	238		18 00

Claims Based upon Warrants Issued by the City of East Guthrie and Disallowed by the Guthrie Claims Commission.

No. of claim.	No. of warrant.	Present holder.	
1	21	J. W. Howell	75 00
2	22	"	75 00
29	234	Geo. Colton	50 00
31	291	"	22 05
43	279	H. F. Ardery	62 81
66	139	Rec'd am't Nat'l Bank Akaj	39 00
67	192	" " "	37 50

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No. of warrant.	Present holder.	
27 & 28			
68	230	Rec'd am't Nat'l Bank Akaj.....	45 00
69	216	" " "	40 25
78	218	Z. Provolt.....	15 00
42	211	H. F. Ardery.....	1 00
152	118	Thos. McPherson, V.-P.....	78 00
153	245	"	40 25
191	193	R. L. Wilson	37 50
192	228	"	45 00
193	221	Geo. W. Taylor	15 00
220	214	H. H. Moore....	5 00
221	202	J. A. Cooper.....	1 25
222	207	"	6 00
223	255	"	10 25
224	238	"	6 00

Claims not Based upon Warrants Filed Against the City of East Guthrie and Allowed by the Guthrie Claims Commission.

No. of claim.	Basis of claim.	Present holder.	Am't allowed.
3	Labor	W. A. R. White	7 50
4	"	"	13 75
5	Lumber.....	F. E. Pentecost, ag't.	55 10
6	Civil engineering	O. A. Clark	24 00
7	Money paid	A. H. Meal.....	25
8	Legal services.....	Charles Brown	130 00
10	Water rent.....	John E. Ford.....	600 00
11	Electric light.....	E. W. Wray..... ..	10 00
12	Sec. charter com.... ..	W. G. Friedly.....	63 00
13	Work and labor.....	John Bingham.....	38 50
15	Member charter com...	J. K. Johnson.....	40 00
16	" " "	John A. Gilbert	40 00
17	" " "	C. W. Smith.....	40 00
18	" " "	W. G. Miller.....	40 00
19	" " "	H. D. Todd	40 00
20	" " "	Geo. W. Alexander ..	15 50
22	Lgt. at and the Co.....	D. Nelsin.....	40 00
23	Mayor's salary.....	T. H. Soward	46 65

Claims not Based upon Warrants Filed Against the City of East Guthrie and Disallowed by the Guthrie Claims Commission.

No. of claim.	Basis of claim.	Present holder.	
1	Printing	Wichita Eagle	66 00
2	Contest loan	Hila W. Smith	3 00
8	Legal services	Chas. Brown	145 00
9	Cash advanced	L. J. Kalklasch	33 42
10	Water rent	John E. Ford	1,080 00
13	Labor	John Bingham	10 00
14	Member charter com.	J. R. Axsom	13 50
15	" " "	T. K. Johnson	13 50

29 *Claims Based upon Warrants Issued by the Consolidated School District of Guthrie and Allowed by the Guthrie Claims Commission.*

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
1	54	C. C. Mills	2 62
2	43	"	60 00
3	92	"	5 45
4	87	Frank Greer	3 00
11	29	J. W. McNeal	9 10
12	46	"	35 00
13	65	"	35 00
14	85	"	35 00
15	15	E. D. Nix, rec.	5 62
16	16	"	4 84
20	68	A. S. Wehmeier	35 00
21	70	L. L. Patten	35 00
24	73	Carry I. Anderson	21 02
25	72	"	35 00
26	84	"	35 00
27	51	H. L. Smut	24 00
28	79	"	8 75
29	45	Alma Carson	15 40
30	67	"	35 00
31	77	"	35 00
32	32611	J. W. McNeal	952 69
33	32025	"	1,262 60
34	32613	"	64 02

Claims Based upon Warrants, &c.—Continued.

No. of claim.	No of warrant.	Present holder.	Principal allowed.
35	Claim.	M. Collar	10 00
36	50	Harry A. Decker	29 40
37	66		35 00
38	78		35 00
39	No number.	J. W. McNeal, ag't	76 50
40	5	"	85 00
41	41	Geo. Kendall	23 62
42	49	G. H. Lynds	30 40
43	12	J. W. McNeal	33 86
44	1	"	28 49
45	55	W. Sumpkin	5 25
46	80	"	26 25
47	57	Linnie Cook	9 00
48	82	D. T. Flynn	35 00
49	36	E. P. Kelly	8 75

Claims Based upon Interest on Warrants and Failure to Cr. Payments Issued by the G. C. S. D. and Disallowed by the Guthrie Claims Commission.

No. of claim.	No. of warrant.	Present holder.	Principal allowed.
32	32611	J. W. McNeal	85 74
33	32025	"	113 65
34	32613	"	5 76
35	Claim.	M. Collar	31 00

30 Said motion to dismiss is endorsed on the back as follows: 2146. In the district court of Logan county. J. W. McNeal *et al. vs.* The City of Guthrie. Motion to dismiss. Filed Mar. 28, 1896. Louis E. Pitts, clerk dist. court. J. L. Pancoast, for the City of Guthrie.

And thereafter and on the second day of April, A. D. 1896, said cause came on to be heard before the court on the said motion of the said Guthrie National Bank, the said exceptions of the City of

Guthrie, and the said motion to dismiss, and the court first heard said cause on the said motion to dismiss all of the proceedings in said cause upon the grounds stated in said motion, filed, as aforesaid, on the twenty-eighth day of March, 1896, and the court, after hearing the argument in behalf of said city and in behalf of the said Guthrie National Bank, sustained said motion to dismiss all of such proceedings for the grounds stated in said motion, to wit, because and for the reason the law under which said commission was appointed and under which they acted in adjudicating and determining the amount of the said various claims and in charging the same against the said City of Guthrie and all proceedings had under said law were null and void by reason of the invalidity of such law.

To which said rulings the said Guthrie National Bank, as one of the claimants under said proceedings, duly excepted and excepts, and the court refused, by reason of the dismissal of the said case, to consider the exceptions to said report or the petition of the Guthrie National Bank for the confirmation of said report on the claims claimed to be owned by the said Guthrie National Bank.

To all of which rulings and orders the said Guthrie National Bank duly excepted and excepts, and the court entered its proceedings on the journal of said court in the following words and figures, to wit:

31 THE GUTHRIE NATIONAL BANK *against* THE CITY OF GUTHRIE *et al.* } # 2146.

APRIL 2, 1896.

Now, at this time, the above cause is called on motion to dismiss the claims sued on in this case. Motion sustained. (Plaintiff excepts.) As to all claims, excepting claim number four of John H. Onstott for $1,000, plaintiff given sixty days in which to make and serve a case-made for the supreme court; defendants given ten days in which to suggest amendments; case-made to be signed and settled on five days' notice, to be given by either party.

And afterwards and on, to wit, the 30th day of May, A. D. 1896, the following order was made in said cause:

THE GUTHRIE NATIONAL BANK *against* THE CITY OF GUTHRIE *et al.* } # 2146.

MAY 30, 1896.

Now, on this 30th day of May, A. D. 1896, after considering the application of the plaintiff and finding the facts therein set forth to be true and sufficient, it is ordered by the court and the judge thereof that the application of the plaintiff be, and the same is hereby, granted, and it is ordered that the time to make and serve a case-made be, and is hereby, extended until the first day of July, 1896, and that the defendants have and are granted ten days there-

after in which to suggest amendments thereto, and said case-made to be settled on written notice of five days thereafter.

(Signed) FRANK DALE, *Judge.*

Filed May 30, 1896.

LOUIS E. PITTS,
Clerk Dist. Court.

32 And afterwards and on, to wit, the 30th day of June, A. D. 1896, the following order was made in this cause, to wit:

THE GUTHRIE NATIONAL BANK, a Corporation, Plaintiff,
against
THE CITY OF GUTHRIE, EAST GUTHRIE, West Guthrie, Capitol Hill, and The Consolidated School Township Thereof, Defendants.
} # 2146. Order Extending Time to Make and Serve Case-made.

Now, on this 30th day of June, A. D. 1896, at my office in chambers, in the court-house, in the city of Guthrie, Logan county, Oklahoma Territory, after due consideration of the application of the plaintiff this day made for an order extending the time to make and serve a case-made for the supreme court, I find that the facts set forth in said application are true, and that the prayer of the applicant should be granted upon the showing made. It is therefore ordered and the time is hereby granted to make and serve said case-made until the first day of August, 1896.

(Signed) FRANK DALE, *Judge.*

Filed July first, 1896.

LOUIS E. PITTS,
Clerk Dist. Court.

And afterwards and on, to wit, the 28th day of July, A. D. 1896, the following order was made in said cause, to wit:

GUTHRIE NATIONAL BANK, a Corporation, Plaintiff,
against
EAST GUTHRIE *at al.*, Defendants.
} # 2146.

Now, on this 28th day of July, A. D. 1896, upon the foregoing showing, it is hereby ordered by me, the undersigned, judge of said court, that the prayer of the plaintiff be, and the same is hereby, granted, and that the time to make and serve a case-made
33 for the supreme court in the above-entitled cause is hereby extended until the first day of September, A. D. 1896, and that the defendants have ten days thereafter to suggest amendments,

and the same to be settled upon five days' notice in writing to the opposite party.

(Signed) FRANK DALE, *Judge.*

Filed July 31st, 1896.

LOUIS E. PITTS,
Clerk Dist. Court.

The above and foregoing case-made contains all of the matters material to present the question sought to be reviewed in this case and complained of by the Guthrie National Bank.

Service of the above and foregoing case-made hereby acknowledged this twenty-ninth day of August, A. D. 1896, and after having carefully examined the same I find the same to be a true and correct representation of what the said case-made purports to contain, and hereby waive the suggestion of any amendments and consent that the same may be signed and settled at any time.

BAYARD T. HAINER,
City Attorney.

34 TERRITORY OF OKLAHOMA, } ss:
Logan County, }

And now, on this twenty-ninth day of March, A. D. 1897, the above and foregoing case-made is presented to me for signing and settlement, and I find the same has been duly served within the time limited by the orders of the court, and that notice of the presentation of the same for signing and settlement has been duly waived, and after having carefully examined the said case-made I find the same to be true and correct for what it purports on its face to show, and the same is by me hereby signed and settled as the case-made in said case, and the clerk of said court is hereby ordered to attest the same and file the same among the papers in said cause.

FRANK DALE,
Judge of the District Court of Logan County, Oklahoma.

Attest: LOUIS E. PITTS,
Clerk of the District Court of Logan County, Oklahoma.
[SEAL.] ALFRED S. DE WITT, *Deputy.*

Filed this twenty-ninth day of March, A. D. 1897.

LOUIS E. PITTS,
Clerk of the District Court of Logan County, Oklahoma.
ALFRED S. DE WITT, *Deputy.*

Endorsed: Filed March 29, 1897. Edgar W. Jones, clerk supreme court.

35 And be it further remembered that on the twenty-ninth day of March, A. D. 1897, there was filed in said cause a præcipe for summons in error in words and figures following, to wit:

36 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error.
} Præcipe for Summons.

The clerk of this court will please issue summons in error in this cause, direct- to the sheriff of the county of Logan and Territory — and returnable according to law, for B. T. Hainer, city attorney of the city of Guthrie, and A. O. Farquaharson, mayor of the city of Guthrie.

ASP, SHARTEL & COTTINGHAM,
Attorneys for Plaintiff in Error.

Endorsed: Supreme court. Guthrie National Bank *vs.* City of Guthrie. Præcipe for summons. Filed March 29th, 1897. Edgar W. Jones, clerk supreme court.

37 Be it further remembered that on the twenty-ninth day of March, A. D. 1897, there was issued out of said court a summons in error, which, together with the endorsements thereon, is in words and figures following, to wit:

38 TERRITORY OF OKLAHOMA, } ss:
Supreme Court, }

The Territory of Oklahoma to the sheriff of Logan county, Greeting:

You are hereby commanded to notify The City of Guthrie, by B. T. Hainer, city attorney, and A. O. Farquaharson, mayor, defendant in error, that The Guthrie National Bank, plaintiff in error, did, on the 29th day of March, A. D. 1897, file in the clerk's office of the supreme court of Oklahoma Territory a petition in error and transcript of record or case-made, the object of which is to obtain a reversal of a certain judgment rendered by the district court sitting within and for the county of Logan and Territory of Oklahoma in an action pending before said court wherein the said plaintiff in error was plaintiff and the said defendant in error was defendant.

You will make due return of this summons in error on or before the 19th day of April, A. D. 1897.

Witness my hand and the seal of the supreme court affixed hereto, at my office, in Guthrie, this 29th day of March, A. D. 1897.

EDGAR W. JONES,
Clerk Supreme Court,
[SEAL.] By OLGA SCRUTCHFIELD, *Deputy.*

Sheriff's Return.

TERRITORY OF OKLAHOMA, } ss:
County of Logan, }

I received this summons in error on the 19th day of March, 1897, at 11 o'clock a. m., and served the same on the 19th day of March,

1897, by delivering a true and certified copy of the within summons in error, in Logan county, to B. T. Hainer and A. O. Farquaharson.

39 F. M. RINEHART, *Sheriff*,
By C. E. CARPENTER, *Deputy*.

Fees.

Service	50
One ad	25
Two copies	50
	$1 25

Endorsed: No. 565. Supreme court, Territory of Oklahoma. The Guthrie National Bank *vs.* The City of Guthrie. Summons in error. Issued March 29th, 1897. Returnable Apr. 19th, 1897. Returned and filed April 1st, 1897. Edgar W. Jones, clerk supreme court.

40 And afterwards and on the eleventh day of June, A. D. 1897, a certain judgment and order was entered on the journals of the said supreme court of the Territory of Oklahoma in words and figures following, to wit:

41 THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } Journal Entry.

Now, on this eleventh day of June, A. D. 1897, said cause came on for trial in its regular order, the plaintiff in error appearing by its attorney, John W. Shartel, Esq., and the defendant in error appearing by Bayard T. Hainer, Esq., city attorney; and

Thereupon said cause is submitted to the consideration of the court, and it appearing to the court, upon an examination of the record, that the only question involved in said cause is the validity and constitutionality of article one of chapter thirteen of the Revised Statutes of Oklahoma Territory of the year 1893, upon which this court, on full consideration, in the cases of Bank *vs.* McElhinney, No. 123, and Martin *vs.* Gray, receiver, No. 358, have heretofore affirmed the proposition that the said statute is unconstitutional and void and all proceedings taken thereunder are null and void, and the court below having ruled in accordance with said decisions in making the ruling complained of, this cause is affirmed on the authority of the foregoing decision of this court; to which judgment of affirmance the plaintiff in error duly excepted and excepts.

It is therefore adjudged by the court that the plaintiff in error take nothing by its petition in error, and that the defendant in error recover the costs of this proceeding, taxed at — dollars; to which judgment the plaintiff in error duly excepted and excepts.

Endorsed: The Guthrie National Bank *vs.* The City of Guthrie. Journal entry. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

42 And afterwards, on the eleventh day of June, A. D. 1897, there was filed in said cause a petition for a writ of error; which said petition for a writ of error is in words and figures following, to wit:

43 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } Number 565.

Assignment of errors at law.

Petition for a Writ of Error.

Comes now the plaintiff in error, The Guthrie National Bank, and says that herein and on the 11th day of June, A. D. 1891, this court entered judgment herein in favor of the defendant in error and against this plaintiff in error, affirming the decision and judgment of the court below and rendering judgment against the said plaintiff in error for the costs of this proceeding in error, in which judgment and proceedings had prior thereto in the court below, affirmed by the judgment of this court in this cause, certain errors were committed to the prejudice of this plaintiff in error; all of which will more in detail appear from the assignment of errors which is filed with this petition.

Wherefore this plaintiff in error prays that a writ of error may issue in this behalf to the Supreme Court of the United States for the correction of the errors so complained of, and that a transcript of the record, proceedings, and papers in this cause, duly authenticated, may be sent to the said Supreme Court of the United States.

The said plaintiff in error further in this behalf shows that the amount in controversy in this cause, exclusive of costs, exceeds the sum or amount of five thousand dollars.

ASP, SHARTEL & COTTINGHAM,
Attorneys for Plaintiff in Error.

44 TERRITORY OF OKLAHOMA, } ss:
County of Logan,

John W. Shartel, being first duly sworn, on his oath deposes and says—

That he is one of the attorneys for the plaintiff in error; that he is familiar with the controversy involved in this cause, and knows the amount at issue therein and involved therein and of controversy therein, and knows the amount in controversy in said cause, exclusive of costs, to exceed the sum of five thousand dollars.

JOHN W. SHARTEL.

Subscribed in my presence and sworn to before me this 11th day of June, A. D. 1897.

ELIZABETH PARSONS,
[SEAL.] *Notary Public.*

My commission expires Jan. 20, 1901.

Endorsed: In the supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Petition for writ of error. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

45 And afterwards and on the eleventh day of June, A. D. 1897, there was filed in said cause an assignment of errors in words and figures following, to wit:

46 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error.

The plaintiff in error in this action, in connection with *his* petition for a writ of error, makes the following assignment of errors, which *he* avers occurred upon the trial of this cause, to wit:

First. The court erred in affirming the judgment of the court below.

Second. The court erred in holding as a matter of law that the act of the territorial Legislative Assembly of the 25th day of December, A. D. 1890, being entitled "An act for the purpose of providing for the allowance and payment of the indebtedness heretofore created by the people and cities of Guthrie, East Guthrie, West Guthrie, and Capitol Hill, now consolidated into the village of Guthrie," and being article one of chapter fourteen of the Revised Statutes of said Territory of the year 1891, to be unconstitutional and void.

Third. The court erred in holding that the proceedings had in the district court of the county of Logan and Territory of Oklahoma exhibited in the record in this cause, whereby certain commissioners were appointed for the purpose of auditing and allowing said indebtedness, were null and void.

Fourth. The court erred in the affirmance of the judgment of the district court of the county of Logan, in said Territory, dismissing said proceedings.

Fifth. The court erred in the rendition of its judgment of affirmance in said cause and of that part of said judgment taxing
47 the costs of this proceeding in error to the said plaintiff in error.

All of which errors fully appear and are duly excepted to in the record in said cause.

ASP, SHARTEL & COTTINGHAM,
Attorneys for Plaintiff in Error.

Endorsed: In the supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Assignment of errors. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

48 And on the said eleventh day of June, A. D. 1897, a certain order was entered on the journal of the supreme court of the Territory of Oklahoma in said cause in words and figures following, to wit:

49 THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } No. 565.

Now, on this eleventh day of June, A. D. 1897, comes the plaintiff in error, by Mr. John Shartel, its attorney, and filed herein and presented to the court its petition, praying for the allowance of a writ of error intended to be urged by the plaintiff in error, and also files herewith *his* assignment of errors, and praying also that a transcript of the record and proceedings and papers upon which the judgment herein was rendered, duly authenticated, may be sent to the Supreme Court of the United States, and that such other and further proceedings may be had as may be proper in the premises; on consideration whereof the court does allow the writ of error upon the plaintiff in error giving bond, according to law, in the sum of two hundred dollars, which shall operate as a supersedeas bond.

Endorsed: The Guthrie National Bank *vs.* The City of Guthrie. Journal entry. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

50 And afterwards and on the eleventh day of June, A. D. 1897, there was deposited in the office of the clerk of the supreme court of the Territory of Oklahoma a writ of error and copy thereof; which said writ of error and copy is in words and figures following, to wit:

51 UNITED STATES OF AMERICA, } *ss*:
Eighth Judicial Circuit, Territory of Oklahoma,

The President of the United States to the honorable judges and clerk of the supreme court of the Territory of Oklahoma:

Because in the record of proceedings, as also in the rendition of the judgment of a plea which is in said court upon a petition in error, before you, wherein The Guthrie National Bank is plaintiff in error and The City of Guthrie is defendant in error, which said judgment was rendered as a judgment of affirmance of the judgment of the district court of the county of Logan and Territory of Oklahoma, complained of in your court by such petition in error, a manifest error hath happened, to the great damage of the said The Guthrie National Bank, plaintiff in error, as by its complaint and its assignment of errors appears, we, being willing that error, if any hath been, shall be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, do command you that if judgment be therein given that then, under your seal, distinctly and openly, you send the record and proceedings aforesaid, with all things concerning the same, to the Supreme Court of the United States, in the city of Wash-

ington, together with this writ, so that you have the same at the office of the clerk of said Supreme Court of the United States, at the city of Washington, on the 11th day of July, A. D. 1897, next, in the said Supreme Court of the United States to be then and there held, and that, the record and proceedings aforesaid being inspected, the said Supreme Court of the United States may cause further to be done therein and to correct that error what of right and according to the laws and customs of the United States should be done.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, this 11th day of June, A. D. one thousand eight
52 hundred and ninety-seven, in the one hundred twenty-second year of the Independence of the United States of America.

Allowed in open court.

FRANK DALE,
Chief Justice of the Territory of Oklahoma.

Attest: EDGAR W. JONES,
Clerk of the Supreme Court
[SEAL.] *of the Territory of Oklahoma.*

Endorsed: In the supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Writ of error. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

53 And on the eleventh day of June, A. D. 1897, there was issued, returned, and filed in the office of said clerk of the supreme court of the Territory of Oklahoma a citation in words and figures following, to wit:

54 UNITED STATES OF AMERICA, } *ss:*
Eighth Judicial District, Territory of Oklahoma, }

To the City of Guthrie, in said Territory, Greeting:

You are hereby cited and admonished to be and appear at a session of the Supreme Court of the United States of America, to be holden at the city of Washington, on the 11th day of July next, pursuant to a writ of error filed in the clerk's office of the supreme court of the Territory of Oklahoma, wherein The Guthrie National Bank is plaintiff in error and you are defendant in error, to show cause, if any there be, why the judgment rendered against said plaintiff in error, as in said writ of error prayed, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this eleventh day of July, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Independence of the United States of America the one hundred twenty-second.

FRANK DALE,
Chief Justice of the Supreme Court of the Territory of Oklahoma.

[SEAL.] Attest: EDGAR W. JONES, *Clerk.*

I hereby accept due personal service of this citation on behalf of The City of Guthrie, the defendant in error above named, this eleventh day of June, A. D. 1897.

BAYARD T. HAINER,
City Attorney of The City of Guthrie and Attorney for said Defendant in Error in said Cause.

Endorsed: Supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Citation. Filed June 12th, 1897. Edgar W. Jones, clerk supreme court.

55 And on the said eleventh day of June, A. D. 1897, there was filed in the office of the clerk of the supreme court of said Territory a bond in supersedeas in words and figures following, to wit:

56 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } Supersedeas Bond.

Know all men by these presents that we, The Guthrie National Bank, as principal, and J. W. McNeal and W. J. Horsfall, as sureties, are held and firmly bound unto the defendant in error, The City of Guthrie, in the full and just sum of two hundred dollars ($200.00), to be paid to the said City of Guthrie, its successors or assigns; to which payment, well and truly to be made, we bind ourselves, our heirs, executors, successors, and administrators, jointly and severally, by these presents.

Sealed with our seals and dated this eleventh day of June, in the year of our Lord one thousand eight hundred and ninety-seven.

Whereas lately, at a session of the supreme court of the Territory of Oklahoma, holden at the city of Guthrie, in said Territory, and in a suit pending in said court between The Guthrie National Bank, plaintiff in error, and The City of Guthrie, defendant in error, a judgment was rendered against the said Guthrie National Bank and in favor of the said defendant in error affirming a certain judgment of the district court of the county of Logan and Territory of Oklahoma and adjudging the plaintiff in error to pay the costs of the said proceeding in the supreme court of the Territory of Oklahoma, as aforesaid, and the said Guthrie National Bank having obtained a writ of error and filed a copy thereof in the clerk's office of the said court to reverse the judgment in the supposed suit, and a citation directed to the said City of Guthrie, citing and admonishing it to be and appear at a session of the Supreme Court of the United States of America, to be holden at the city of Washington, on the 11th day of July next:

57 Now, the condition of the above obligation is such that if the said Guthrie National Bank shall prosecute said writ of error to effect and answer all damages and costs if they fail to make

said plea good, then the above obligation to be void; else to remain in full force and effect.

THE GUTHRIE NATIONAL BANK.
J. W. McNEAL.
W. J. HORSFALL.

Approved by—
FRANK DALE,
Chief Justice.

Endorsed: In the Supreme court of Oklahoma Territory. The Guthrie National Bank *vs.* The City of Guthrie. Supersedeas bond. Filed June 11th, 1897. Edgar W. Jones, clerk supreme court.

58 And afterwards and on the twelfth day of June, A. D. 1897, there was filed in the office of the clerk of the supreme court of the Territory of Oklahoma a statement on appeal, together with the allowance thereof, in the words and figures following, to wit:

59 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } No. 565.

The above-named plaintiff in error, conceiving itself aggrieved by the judgment entered in this cause on the 11th day of June, A. D. 1897, does hereby appeal from the said order and judgment of affirmance of the judgment of the district court of the county of Logan and Territory of Oklahoma to the Supreme Court of the United States for the reasons specified in the assignment of errors which is filed herewith and hereto attached, and it prays that its appeal may be allowed, and that a transcript of the record, proceedings, and papers upon which said order was made, duly authenticated, may be sent to the United States Supreme Court.

Dated this 12th day of June, A. D. 1897.

ASP, SHARTEL & COTTINGHAM,
Attorneys for Plaintiff in Error.

TERRITORY OF OKLAHOMA, } ss:
County of Logan, }

John W. Shartel, being first duly sworn, on his oath deposes and says—

That he is one of the attorneys for the appellant: that he is familiar with the controversy involved in this cause, and knows the amount at issue therein and involved therein and of controversy therein, and knows the amount in controversy in said cause, exclusive of costs, to exceed the sum of five thousand dollars.

JOHN W SHARTEL.

Subscribed in my presence and sworn to before me this 12th day of June, A. D. 1897.

EDGAR W. JONES,
[SEAL.] *Clerk Supreme Court.*

60 The foregoing claim of appeal is allowed in open court by order of the supreme court of the Territory of Oklahoma this 12th day of June, A. D. 1897.

Attest: FRANK DALE,
Chief Justice.

[SEAL.] EDGAR W. JONES, *Clerk.*

Endorsed: In the supreme court of Oklahoma. The Guthrie National Bank *vs.* The City of Guthrie. Appeal. Filed June 12th, 1897. Edgar W. Jones, clerk supreme court.

61 And filed with the foregoing statement on appeal was an assignment of errors; which said assignment of errors is in words and figures following, to wit:

62 In the Supreme Court of the Territory of Oklahoma.

THE GUTHRIE NATIONAL BANK, Plaintiff in Error, *against* THE CITY OF GUTHRIE, Defendant in Error. } Assignment of Errors on Appeal.

Now, on this twelfth day of June, A. D. 1897, comes the plaintiff in error, by Asp, Shartel & Cottingham, its attorneys, and says that the judgment of affirmance in this cause is erroneous and against the just rights of the said plaintiff in error for the following reasons, to wit:

First. The court erred in affirming the judgment of the court below.

Second. The court erred in holding as a matter of law that the act of the territorial Legislative Assembly of the 25th day of December, A. D. 1890, being entitled "An act for the purpose of providing for the allowance and payment of the indebtedness heretofore created by the people and cities of Guthrie, East Guthrie, West Guthrie, and Capitol Hill, now consolidated into the village of Guthrie," and being article one of chapter fourteen of the Revised Statutes of said Territory of the year 1891, to be unconstitutional and void.

Third. The court erred in holding that the proceedings had in the district court of the county of Logan and Territory of Oklahoma exhibited in the record in this cause, whereby certain commissioners were appointed for the purpose of auditing and allowing said indebtedness, were null and void.

Fourth. The court erred in the affirmance of the judgment of the district court of the county of Logan, in said Territory, dismissing said proceedings.

63 Fifth. The court erred in the rendition of its judgment of affirmance in said cause and of that part of said judgment taxing the costs of this proceeding in error to the said plaintiff in error.

All of which errors fully appear and are duly excepted to in the record in said cause.

ASP, SHARTEL & COTTINGHAM,
Attorneys for Plaintiff in Error.

Endorsed: In the supreme court of Oklahoma. The Guthrie National Bank *vs.* The City of Guthrie. Assignment of errors on appeal. Filed June 12th, 1897. Edgar W. Jones, clerk supreme court. Asp, Shartel & Cottingham, att'ys for plaintiff in error.

64 And thereupon, on said twelfth day of June, A. D. 1897, a certain order was entered on the journal of the said supreme court of the Territory of Oklahoma in words and figures following, to wit:

65 THE GUTHRIE NATIONAL BANK, Plaintiff in Error,
against
THE CITY OF GUTHRIE, Defendant in Error. } Journal Entry.

Now, on this twelfth day of June, A. D. 1897, comes the above-named plaintiff in error, The Guthrie National Bank, and files its petition on appeal and its assignment of errors on appeal in this cause, and, upon examination thereof, it is by the court ordered that the said appeal to the Supreme Court of the United States be, and the same is hereby, allowed.

Endorsed: The Guthrie National Bank *vs.* The City of Guthrie. Journal entry. Filed June 12th, 1897. Edgar W. Jones, clerk supreme court.

66 And afterwards and on the twelfth day of June, A. D. 1897, a certain citation was issued, served, returned, and filed; which said citation, together with all the endorsements thereon, is in words and figures following, to wit:

67 THE UNITED STATES OF AMERICA, } *ss.*:
Eighth Judicial Circuit, Territory of Oklahoma, }

To the City of Guthrie, Greeting:

You are hereby cited and admonished to be and appear at a session of the Supreme Court of the United States of America, to be holden at the city of Washington, on the 12th day of July, A. D. 1897, next, pursuant to an appeal filed in the office of the clerk of the supreme court of the Territory of Oklahoma, wherein The Guthrie National Bank is appellant and you are appellee, to show cause, if any there be, why the judgment rendered against the said plaintiff in error,

as in the said appeal mentioned, should not be corrected and why speedy justice should not be done to the parties in that behalf.

Witness the Honorable Melville W. Fuller, Chief Justice of the Supreme Court of the United States, this 12th day of June, in the year of our Lord one thousand eight hundred and ninety-seven, and of the Independence of the United States of America the one hundred twenty-second.

FRANK DALE,
Chief Justice of the Supreme Court of the Territory of Oklahoma.

Attest: EDGAR W. JONES,
[SEAL.] *Clerk of the Supreme Court*
of the Territory of Oklahoma.

I hereby, on this 12th day of June, A. D. 1897, accept due personal service of this citation on behalf of The City of Guthrie, the appellee above named.

BAYARD T. HAINER,
City Attorney of the City of Guthrie
and Attorney for said Appellee in said Cause.

Endorsed: In the supreme court of Oklahoma. The Guthrie National Bank *vs.* The City of Guthrie. Citation. Filed June 12, '97. Edgar W. Jones, clerk supreme court. Asp, Shartel & Cottingham, att'ys for plaintiff in error.

68 UNITED STATES OF AMERICA, } *ss:*
Territory of Oklahoma, }

I, Edgar W. Jones, clerk of the supreme court of the Territory of Oklahoma, do hereby certify that the above and foregoing is a full, true, and complete transcript of the record in a cause therein entitled The Guthrie National Bank, plaintiff, against The City of Guthrie, defendant, as the same appears of record and on file in my office.

In testimony whereof I have hereunto subscribed my name and caused the seal of said court to be affixed, at my office, in the city of Guthrie, on this the 25th day of June, A. D. 1897, and of the Independence of the United States of America the one hundred and twenty-second.

[Seal Supreme Court, Territory of Oklahoma.]

EDGAR W. JONES,
Clerk of the Supreme Court of the Territory of Oklahoma.

Endorsed on cover: Case No. 16,625. Oklahoma Territory supreme court. Term No., 412. The Guthrie National Bank, plaintiff in error and appellant, *vs.* The City of Guthrie. Filed July 10th, 1897.